

DOA  
10-31-17

# UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Alberto Torres-Dominguez, )  
a.k.a.: Alberto Dominguez-Diaz )  
(A098 289 562) )

Defendant )

Case No. 17-9500 MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 29, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Alberto Torres-Dominguez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 14, 2007, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

CEB  
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Sean K. Lokey

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

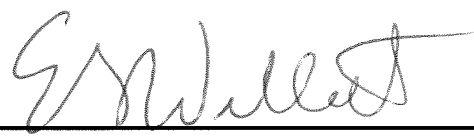
Date: November 1, 2017

City and state: Phoenix, Arizona

  
Complainant's signature

Steven T. Case,  
Deportation Officer

Printed name and title

  
Judge's signature

Eileen S. Willett,  
United States Magistrate Judge  
Printed name and title

### **STATEMENT OF PROBABLE CAUSE**


I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 29, 2017, Alberto Torres-Dominguez was booked into the Maricopa County Jail (MCJ) facility by the Phoenix Police Department on local charges. While in custody at the MCJ, Torres-Dominguez was encountered by ICE Officer K. Madill who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On or about October 31, 2017, Torres-Dominguez was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Torres-Dominguez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Alberto Torres-Dominguez to be a citizen of Mexico and a previously deported criminal alien. Torres-Dominguez was removed from the United States to Mexico, at or near Nogales, Arizona, on or about February

14, 2007, pursuant to an administrative order of removal issued by an immigration official. There is no record of Torres-Dominguez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Torres-Dominguez's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Alberto Torres-Dominguez was convicted of Armed Robbery, a felony offense, on March 17, 2004, in the Superior Court of Arizona, Maricopa County. Torres-Dominguez was sentenced to four (4) years' incarceration.
5. On October 31, 2017, Alberto Torres-Dominguez was advised of his constitutional rights. Torres-Dominguez freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 29, 2017, Alberto Torres-Dominguez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 14, 2007, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



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Steven T. Case,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 1<sup>st</sup> day of November, 2017.



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Eileen S. Willett,  
United States Magistrate Judge